

**FILED**

**OCT 16 2024**

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Kimberley Cane  
969G Edgewater Blvd # 791  
Foster City, CA 94404  
Telephone: (650) 435-2456  
info@kimberleycane.com

Class Member In Pro Per

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MICHAEL KATZ-LACABE, ET AL,

Plaintiffs,

v.

ORACLE AMERICA, INC., a corporation  
organized under the laws of the State  
of Delaware,

Defendant.

Case No. 3-22-CV-04792-RS

**CLASS MEMBER'S OBJECTION  
TO SETTLEMENT**

Judge: Hon. Richard Seebord

Date: November 14, 2024

Time: 1:30 p.m.

Courtroom: 3

Date Action Filed: August 19, 2022

Trial Date: Not set

**OBJECTION**

1. I received an email titled "Legal Notice of Class Action Settlement: You May Be Entitled To Compensation" (hereinafter "Notice") in my email spam folder on September 7, 2024.
2. I am not represented by counsel in this action. My Notice ID is KATL0441562003 and my Confirmation Code is xvy [REDACTED] K94. I reserve my right to attend the hearing on November 14.

1.

CLASS MEMBER'S OBJECTION TO SETTLEMENT

1       3. I commend the Plaintiffs for bringing this problem to our attention. The Plaintiffs and their  
2 attorneys, Lieff Cabraser Heimann & Bernstein, LLP (LCHB), have done a considerable amount of  
3 work advocating for this issue. However, Class Members are “drawing the short stick” with this  
4 Proposed Settlement: LCHB is seeking a great financial benefit for themselves at the expense of the  
5 Class Members.

6  
7       4. I have not read every document filed, but I have read enough to have an understanding of the  
8 nature and consequences of this case. I object to the Proposed Settlement for two primary reasons.

9  
10       **First Objection: Insufficient Information to Make a Decision**

11       5. My first objection is that the Class Members do not have sufficient information to decide  
12 whether to participate or “opt out.” The exhibits filed in this case fail to provide Class Members with a  
13 comprehensive understanding of what type of data Oracle has captured because these exhibits are  
14 largely redacted.

15  
16       6. The redacted exhibits prevent Class Members from having a clear understanding of exactly  
17 how granular the captured data is or how our data is being used. Class Members are asked to waive  
18 our rights for an undefined amount of compensation (likely negligible) without being privy to any of  
19 the discovery in this case.

20  
21       7. Specifically, in the Second Amended Class Action Complaint, Exhibits A and B (Dkt. Nos.  
22 87-1 and 87-2), the Oracle “Offline Access Request Response Reports” (“OARRR”) are arguably  
23 over 70% redacted — too redacted for Class Members to fully understand the types of personal data  
24 that Oracle has captured in the “Segment Categories” (Oracle’s term used in these reports).

- 25  
26           a. The OARRR filed as Exhibit A (Dkt. No. 87-1) is 49 pages long with 22 pages  
27           completely redacted (including 13 sequential pages that are 100% redacted (pages 19-31)),  
28           and 16 pages partially redacted.

1           b. The OARRR filed as Exhibit B (Dkt. No. 87-2) is 32 pages long with 21 pages  
2           completely redacted (including 16 sequential pages that are 100% redacted  
3           (pages 10 – 25)), and 7 pages partially redacted.

4           8. These redactions of almost all of the “Segment Categories” prevent Class Members from fully  
5           understanding how egregious this privacy intrusion is. While I believe it is appropriate to redact the  
6           personal information of the Plaintiffs, I do not think it is appropriate for the “Segment Categories” to  
7           be redacted: this sensitive information is exactly what Class Members need to know to make an  
8           informed decision.  
9

10          9. As it turns out, this exact issue was already litigated (Dkt. Nos. 75 - 77). LCHB recognized that  
11          the “Segment Categories” are sensitive personal information and moved to have these categories  
12          redacted: “The Segment Category title alone reveals sensitive financial information, whether or not  
13          one considers the corresponding Segment Detail entry,” (Dkt. 75-1, Declaration, ¶ 20(b)).  
14

15          10. This Court allowed a near-complete redaction of the OARRRs in its order (Dkt. 77, page 17):  
16          “...even with redactions, still communicate to the public the types of information that are at issue in  
17          this action. Of course, reasonable minds might disagree on distinguishing between which entries in the  
18          ‘Segment Category’ column merit sealing and which do not, but Plaintiffs have, at this stage, met their  
19          burden to propose a narrowly tailored set of redactions.”  
20

21          11. The Plaintiffs’ attorneys may have met their burden to the Court but not to the Class Members  
22          they purport to represent. Here, the interests of the Class Representatives and the Class Members  
23          diverge: the “reasonable minds” of the Class Members never had any say in the redactions. Therefore,  
24          Class Members lack a reasonable understanding of the scope and nature of this captured data and  
25          cannot make an informed decision about participating in this action.  
26

27          12. The Notice sent to Class Members did not include any description of the “Segment Categories”  
28          or other types of information contained in this OARRR. In fact, this was the only information provided

1 in the Notice to Class Members:

2 “This class action alleges that Oracle improperly captured, compiled, and sold  
3 individuals’ online and offline data to third parties without obtaining their consent.”

4 13. This statement is vague, non-specific, and inadequate. It does not provide any context to Class  
5 Members of the nature or scope of the privacy intrusions. Unless a Class Member requested their  
6 OARRR from Oracle (and the Notice did not provide instructions on how to), Class Members are  
7 unaware of the intrusive “Segment Categories” that Oracle has kept on us. This is critical because  
8 Class Members are being asked to relinquish any rights we may have in this matter without a  
9 disclosure about our data that has been captured, shared, and sold without our knowledge and consent.

10 14. After receiving this Notice, I researched and requested my OARRR from Oracle. My report is  
11 226 pages long, divided into three columns, and looks different from the Plaintiffs’ exhibits: it is seven  
12 times longer than Exhibit B (Dkt. No. 87-2), and four times longer than Exhibit A (Dkt. No. 87-1). I  
13 have no understanding why my report looks different or why it is so much longer than the Plaintiffs’.

14 15. Class Members likely do not know that these OARRR reports show every item they’ve ever  
15 purchased at Safeway or Target (except, of course, fruits and vegetables), including the specific brands  
16 of crackers, deodorant, soap, toilet paper, and video game consoles, among other things, and Oracle  
17 has compiled, bought and sold this information in their “data marketplace”.

18 16. The OARRR includes every banking institution where Class Members have had an account,  
19 and specifically calls out the bank Class Members have used most within the past 12 months.

20 17. The OARRR shows our specific “Employee Benefits,” including our health insurance  
21 provider(s) and what institution(s) holds our 401(k) account(s).

22  
23  
24  
25  
26  
27  
28  
1 PlaceIQ Data Now Available Through Oracle Data Cloud's BlueKai Marketplace <https://www.wprnswire.com/new-releases/placeiq-data-now-available-through-oracle-data-clouds-bluekai-marketplace-300297954.html>  
Archive : <https://archive.ph/02X8S>

18. The OARRR lists specific alcoholic beverages Class Members have purchased (and have not purchased), and includes a classification of how much alcohol Oracle believes Class Members drink.

19. Further, Class Members do not know that the apps we are using on our phones are included in the OARRR. Mobile phone app transactions are being captured and sold, including geolocation data provided by “PlaceIQ”<sup>2</sup> a company that lists this “feature” on its website: “Time-stamped visitation for full PlaceIQ Movement taxonomy.”

20. It is improbable that any Class Members “consented” or “opted in” through a hidden “iframe” on a webpage to sharing with a “data marketplace” where we bank, who our insurers are, where our 401(k) accounts are, and how much alcohol we may drink, and our exact location served up with a “time-stamped visitation” record.

#### **Second Objection: Inequitable compensation to lawyers at the expense of Class Members**

21. My second objection is LCHB receiving 25% of the settlement, or approximately \$28.75 million, while the Class Members receive maybe \$20 and waive all rights, known and unknown, after having our daily lives’ data captured, shared, and sold without our consent, and without receiving answers from the appointed Settlement Administrator. This is inequitable.

22. I had questions about this lawsuit after receiving the Notice. On September 9, 2024, I called the Settlement Administrator’s phone number shown in the Notice. This phone number is only a series of recordings with information that is identical to the content already on their website [www.KatzPrivacySettlement.com](http://www.KatzPrivacySettlement.com). At no time was there an option to talk with someone.

<sup>2</sup> Place IQ: <https://www.wprecisely.com/product/precisely-placeiq/placeiq-movement>  
Archive : <https://archive.ph/jac4u>



1 23. Also on September 9, 2024, I sent an email to the Settlement Administrator at  
2 [questions@katzprivacysettlement.com](mailto:questions@katzprivacysettlement.com) asking to talk with someone about my questions. On  
3 September 26, 2024, Katz Privacy Administrator sent me a boilerplate reply without responsive  
4 information. I followed up on October 1 and 10, 2024. On October 11, 2024,  
5 [questions@katzprivacysettlement.com](mailto:questions@katzprivacysettlement.com) replied with more unresponsive information that is identical to  
6 answers that are already available on [www.KatzPrivacySettlement.com](http://www.KatzPrivacySettlement.com). Despite my trying for five  
7 weeks, the appointed Settlement Administrator failed to answer any of my questions.  
8

9 24. After talking with friends and family, I learned that not one of them had received Notice of  
10 being a Class Member despite Oracle having an OARRR (or “download data”) on them. Accordingly,  
11 it’s probable that other eligible Class Members also did not receive the Notice or it was delivered to  
12 their spam folder too, and they never saw it.  
13

### 14 CONCLUSION

15 25. I ask the Court to deny the proposed settlement. These privacy violations should see daylight  
16 instead of being veiled in a cloud of secrecy. A settlement will “sweep it under the rug.”  
17

18 26. Class Members do not have enough information to make an informed decision. How can Class  
19 Members be asked to participate or opt out without knowing the specific facts of this case and its  
20 relevancy to our lives?  
21

22 27. There is no value to Class Members in settling this case as it stands today: a law firm should  
23 not make tens of millions of dollars while the exact scope of the privacy violations into the Class  
24 Members’ lives remains shrouded in secrecy. The proposed settlement benefits only LCHB and  
25 Oracle, while Class Members remain ignorant and waive their rights in exchange for a token  
26 settlement.  
27  
28

1       28. LCHB should better inform Class Members of exactly what has happened here. LCHB should  
2 provide a limited set of discovery to Class Members so Class Members have transparency about this  
3 intrusion. Thus far, the Notice is insufficient and inadequate, and their vehicles for Class Member  
4 follow-up have proven meaningless.

5       29. Oracle should defend itself to a jury and show how Class Members allegedly “opted in” to  
6 having our personal information bought and sold on their market place, and how Class Members  
7 allegedly agreed to be tracked throughout our daily lives.  
8

9       30. A jury should hear this case and decide what the damages should be.  
10

11       Date: October 15, 2024

Respectfully Submitted,

12  
13       

14       Kimberley Cane  
15       Class Member  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**FLAT RATE ENVELOPE**  
ONE RATE ■ ANY WEIGHT

To schedule free Package Pickup,  
scan the QR code.



[USPS.COM/PICKUP](https://usps.com/pickup)

**TRACKED ■ INSURED**



PS00001000014

EP14F October 2023  
OD: 12 1/2 x 9 1/2

	<b>Click-N-Ship®</b>
<b>P</b>	usps.com \$9.00 US POSTAGE
	9405 5301 0935 5048 4231 10 0090 0001 0009 4102
	10/15/2024
	Mailed from 94002 454661741943278
	<b>PRIORITY MAIL®</b>
KIMBERLEY CANE 969G EDGEWATER BLVD PMB 791 FOSTER CITY CA 94404-3824	10/16/2024 Flat Rate Envelope RDC 03 C004
US DISTRICT COURT FOR NORTHERN CALIF CLASS ACTION CLERK 450 GOLDEN GATE AVE SAN FRANCISCO CA 94102-3661	
<b>USPS TRACKING #</b>	
9405 5301 0935 5048 4231 10	
KATZ-LACABE VS ORA	